

Remarks

Fees:

This Amendment adds no independent claims to the total previously paid for, and this Amendment maintains the total number of claims at the number previously paid for. Accordingly, no additional fees are due in response to the claim amendments made herein. But fees are due in connection with a Petition for a Two Months Extension of Time (Two Months) which accompanies this Amendment, and fees are due in connection with a Terminal Disclaimer that also accompanies this Amendment. The fees are enclosed herewith by way of a credit-card authorization form.

For the Claims:

This Office Action rejects claims 1-20 under grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of US Patent No. 6,863,230 to Palestrant in view of U.S. Patent No. 4,801,091.

Attached hereto is an appropriate terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) which this Office Action states may be used to overcome an actual or provisional rejection based on a nonstatutory double-patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

The present application and US Patent No. 6,863,230 to Palestrant are commonly owned. The assignee of the present application (The Palestrant Family Trust Under Agreement Dated February 11, 1998) is shown in the assignment recorded at

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REEL/FRAME:019254/0449; and the same assignee of US Patent No. 6,863,230 to Palestrant is shown in the assignment recorded at REEL/FRAME: 020067/0200.

In addition, this Office Action rejected claims 10 and 13 under 35 U.S.C §112, second paragraph because the impeller was inadvertently recited as being a "non-metallic" impellor. This Amendment amends claims 10 and 13 to remove the "non-metallic" adjective in these claims. This leaves only the term "impellor" for which there is sufficient antecedent basis.

Applicants believe that the foregoing amendments and remarks are fully responsive to the rejections recited in the 1 June 2007 Office Action and that the present application is now in a condition for allowance. Accordingly, reconsideration of the present application is respectfully requested.

Respectfully submitted,



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